IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 15168 of 2007(E)

PETITIONER:
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ASWATHYKUTTY M.(MINOR),
REPRESENTED BY HER MOTHER P.K.ASHA,
FLAT NO.26/.246-4, GRACE APARTMENTS,
MYLIPADAM, CHEMBUKAVU P.O.,
THRISSUR-680 020.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:
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1. **THE COMMISSIONER FOR ENTRANCE EXAMINATIONS, THIRUVANANTHAPURAM-695 001.**

2. **STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 15168 OF 2007

Dated this the 28th day of May, 2007

J U D G M E N T

Petitioner who had written the Common Entrance Examination for admission to the medical course for the year 2007 has filed this writ petition. Her grievance is that the respondents are not justified in not reserving seats for Scouts and Guides, as has been done in the case of engineering courses. The petitioner has invited my attention to Clause 5.2.22 of Ext.P1 prospectus, which reads thus:

> ***"Scouts and Guides for Engineering Courses (SG): Two seats are reserved for Rashtrapathi Scouts and Guides for Engineering courses. Candidates seeking reservation under this quota should attach copy of the Rashtrapathi Guide Certificate signed by the President of India. In the absence of this Certificate, specimen Certificate signed by the Director of Public Instruction (DPI), Kerala and the State Secretary, Kerala State Bharat Scouts and Guides, will be considered."***

2. It is contended by the petitioner that there is no rhyme or reason on the part of the Government in not reserving seats for eligible Scouts and Guides for the medical courses as well, and that the said action of the Government is totally arbitrary and discriminatory.

3. Per contra, it is contended by the learned Government Pleader that the Government had taken the view that no such reservation need be granted in the case of medical courses. It appears that it is the case of the

Government that the number of seats for medicine being very few as compared to that of engineering courses, such a reservation was unwarranted.

Having heard learned counsel for the petitioner and the learned Government Pleader and having perused the materials placed on record, I do not find any reason to entertain this writ petition at this stage particularly, for the reason that the results of the Common Entrance Examination have already been published and the selection process is well in advance. It is admitted by the petitioner herself that no reservation had been made in the prospectus for the current academic year. At this stage it may not be just or proper to create uncertainty by issuing a direction, even assuming that there is any merit in the contention raised by the petitioner. I hasten to add I have not considered the merit of the contentions raised by the petitioner. It will be open to the petitioner to pursue the matter, if so advised. Learned counsel submits that petitioner has already submitted a representation before the Government. She can move the appropriate authority, if so advised for a favourable consideration of her request.

The writ petition is accordingly closed.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007